

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA  
CRIMINAL DIVISION

VENUE: SAN FRANCISCO

CR 08

0394

UNITED STATES OF AMERICA,

v.

JOEL GUADALUPE DUARTE-ANAYA

**JSW**

DEFENDANT.

## INDICTMENT

Title 8, U.S.C. §1326 - Illegal Reentry Following  
Deportation

*Indict*

A true bill.

*Joel Valero*  
Foreman

Filed in open court this 12 day of June

*R. Stitt*  
Clerk

Bail \$ no process  
*Remand*

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING
**OFFENSE CHARGED**
 Title 8 U.S.C., Section 1326 - Illegal Reentry by  
 an Alien After Deportation (Class C Felony)

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony
**PENALTY:**
 Maximum Prison Term of 20 Years;  
 Maximum Fine \$250,000;  
 Maximum Term of Supervised Release of 3 Years;  
 Mandatory Special Assessment of \$100.
**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

Department of Homeland Security/Immigration Customs Enforcement

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

08-70324

 Name and Office of Person  
 Furnishing Information on  
 THIS FORM

JOSEPH P. RUSSONIELLO

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y  
 (if assigned)

Allison M. Danner

 Name of District Court, and/or Judge/Magistrate Location  
 NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

JOEL GUADALUPE DUARTE-ANAYA

DISTRICT COURT NUMBER

**DEFENDANT****IS NOT IN CUSTODY**

- 1) ☐ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4) ☒ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges

☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

 Has detainer  
 been filed?

☐ Yes  
☐ No

 If "Yes"  
 give date  
 filed

 DATE OF  
 ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

Month/Day/Year

 DATE TRANSFERRED  
 TO U.S. CUSTODY

☐ This report amends AO 257 previously submitted
**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☐ SUMMONS ☒ NO PROCESS\*

☐ WARRANT Bail Amount:

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 \*Where defendant previously apprehended on complaint, no new summons  
 or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

JOSEPH R. RUSSONIELLO (CABN 44332)  
United States Attorney

FILED

08 JUN 12 PM 2:42

ROBERTA W. BIEKINS  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

E-FILED

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

CR 08

0394

UNITED STATES OF AMERICA,

No.

Plaintiff,

VIOLATION: 8 U.S.C. § 1326 – Illegal  
Reentry Following Deportation

JSW

v.

JOEL GUADALUPE DUARTE-ANAYA,  
a/k/a Joel Guadalupe,  
a/k/a Joseph Mendez,  
a/k/a Joel Anaya,  
a/k/a Jose Duarte  
a/k/a Carlos Diaz

SAN FRANCISCO VENUE

Defendant.

INDICTMENT

The Grand Jury charges:

On or about June 27, 2007, March 9, 2005, November 23, 2001, and November 20, 1999,  
the defendant,

JOEL GUADALUPE DUARTE-ANAYA,  
a/k/a Joel Guadalupe,  
a/k/a Joseph Mendez,  
a/k/a Joel Anaya,  
a/k/a Jose Duarte  
a/k/a Carlos Diaz,

1 an alien, was excluded, deported and removed from the United States, and knowingly and  
2 voluntarily reentered the United States and, thereafter, on or about April 1, 2008, was found in the  
3 Northern District of California, the Attorney General of the United States and the Secretary for  
4 Homeland Security not having expressly consented to a re-application by the defendant for  
5 admission into the United States, in violation of Title 8, United States Code, Section 1326.

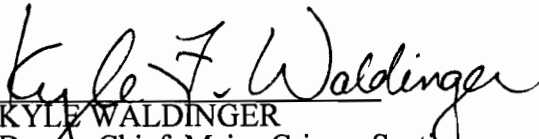
6  
7 DATED:

A TRUE BILL.

8 6-12-08

9   
FOREPERSON

10 JOSEPH P. RUSSONIELLO  
11 United States Attorney

12   
13 KYLE WALDINGER  
14 Deputy Chief, Major Crimes Section

15 (Approved as to form: )  
16 AUSA DANNER